



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PHILLIP J. LYONS,
Plaintiff,
vs.
CONNIE BISBEE, *et al.*,
Defendants.

3:07-cv-0460-LRH-RAM

ORDER

This is a *pro se* civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed April 21, 2008, the Court granted plaintiff *in forma pauperis* status. (Docket #5). In the same order, the Court determined that the complaint states a cognizable claim for violation of plaintiff constitutional rights. (Docket #5, at p. 2). The defendants were accepted service in this action. (Docket #11).

On June 3, 2008, plaintiff filed a motion to amend and submitted an amended complaint. (Docket #16). On June 10, 2008, defendants filed a motion for screening of the amended complaint. (Docket #18). In the motion, defendants ask this Court to review the amended complaint to ensure that any added claims meet the requirements of 28 U.S.C. § 1915(e)(2) and 42 U.S.C. § 1997e. (Docket #18). By minute order filed June 12, 2008, defendants' motion for screening of the first amended complaint was granted. (Docket #20). Pursuant to the minute order, the amended

1 complaint was filed. (Docket #21).

2 The amended complaint is a duplicate of the original complaint, with the exception of
3 pages 48A and 48-B. No additional defendants were added with the amendment. The Court has
4 previously determined that the original complaint states a colorable claim for violation of plaintiff's
5 constitutional rights and is sufficient to withstand screening under § 1915A. The amendment to the
6 complaint at pages 48A-48B, which alleges violation of plaintiff's constitutional rights in connection
7 with a parole hearing, also states a colorable claim for violation of plaintiff's constitutional rights.
8 The amended complaint is sufficient to withstand screening under 28 U.S.C. § 1915(e)(2) and 42
9 U.S.C. § 1997e, and the action may proceed on the amended complaint.

10 **IT IS THEREFORE ORDERED** that the amended complaint (Docket #21) is
11 sufficient to withstand screening and the **ACTION MAY PROCEED ON THE AMENDED**
12 **COMPLAINT**. Defendants shall file an answer or other responsive pleading to the amended
13 complaint within **thirty (30) days** from the date of entry of this order.

14 DATED: July 2, 2008.

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16 UNITED STATES MAGISTRATE JUDGE
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